

Te Ohu Kaimoana – The Maori Fisheries Trust

Draft Media Release

Release Date TBC

### **Diplomacy is best for resolving whaling issue, says Maori Fisheries Trust**

Differences between pro and anti whaling members of the International Whaling Commission (IWC) are best resolved through continued diplomatic negotiations and not through joining Australia's international legal action against Japan, Te Ohu Kaimoana-the Maori Fisheries Trust, says.

Te Ohu Kaimoana Chairman Ngahiwi Tomoana said it was in New Zealand's interests to find resolution through the IWC by supporting the compromise package negotiated under the leadership of Sir Geoffrey Palmer.

For many years, philosophical differences over the rights of countries to undertake sustainable whaling have polarised the 88-member body, which is now at breaking point and on the verge of collapse. If the compromise package is not agreed at the IWC's 62<sup>nd</sup> annual meeting in Agadir, Morocco, this month, Te Ohu Kaimoana has grave doubts over the future of the regulatory body.

Te Ohu Kaimoana is the pre-eminent body representing Maori in relation to the marine environment and has attended the last four IWC annual meetings. Maori support the rights of other indigenous and coastal peoples in maintaining their traditional practices in relation to whales and whaling, support sustainability through effective fisheries management regimes, and seek a pragmatic approach to resolving this international environmental resource issue.

Mr Tomoana said Te Ohu Kaimoana was well-placed to assist with negotiations as it could traverse both pro and anti-whaling camps. He said significant concessions have been made by whaling nations in the compromise package, and it was now time for New Zealand and other anti-whaling countries to bring something more to the table.

"The current negotiation process is about finding a fair and balanced interim result to enable members to tackle longer-term fundamental differences over whaling. If they do not succeed this year in Morocco it will be difficult to see a future for the IWC," Mr Tomoana said.

He added that recent action initiated by Australia against Japan's research programme in the Antarctic undermined the current negotiation process. He said it was unrealistic for anti-whaling governments to expect an immediate and complete cessation of whaling. However, they will have the opportunity to discuss further reductions in catches over the next 5 years if the interim compromise package is agreed.

Te Ohu Kaimoana said it was also concerned that environmental NGOs were pressurising governments to reject the interim compromise package without informing the public of the possible consequences on that action.

"Environmental NGOs have an economic interest in the continued dysfunction of the IWC because they use the conflict as a means of attracting funds from a misinformed public. But their pressure on the New Zealand Government, among others, to reject the compromise deal

may ensure the collapse of the IWC, leaving the world without the IWC for the conservation and management of whales,” Mr Tomoana said.

The true risk for New Zealand is that nations that conduct whaling do not have to belong to the IWC under international law and could leave it to legitimately establish a new organisation for the management of whaling or extend an existing organisation, such as the North Atlantic Marine Mammal Commission (NAMMCO) to include whaling in areas beyond the North Atlantic. This would be permissible under the United Nations Convention on the Law of the Sea (UNCLOS).

“This is the risk of failing to find an interim compromise at this year’s meeting. We need to keep all whaling countries at the IWC table or risk them leaving to form their own organisation where New Zealand and other countries would have no influence over whaling activities,” Mr Tomoana said. “Let us not forget that the Whaling Convention is to provide for the management of sustainable whaling – it is not about the anti-whaling industry,” he added.

Te Ohu Kai moana also rejected claims from environmental NGOs that Japan was making too many demands. Japan had made a number of compromises to reduce catches, including agreeing to reduce its Antarctic research programme by half, suspending its rights to issue new Article VIII permits for research whaling and suspending its right under Article V to file objections to new regulations. Japan has also agreed to the creation of a South Atlantic sanctuary and reiterated that a sustainable whaling regime required an international observer scheme, a DNA registry and market sampling, and a vessel monitoring scheme.

“The interim compromise is only a step on the path to resolution, but it is a significant step and one that reduces the annual catch of whales around the world. The real work would begin over the next 5 to 10 years as IWC members attempt to resolve fundamental differences, such as research whaling and the moratorium on commercial whaling,” Mr Tomoana said.

“It is important that the New Zealand Government does not walk away from the diplomatic process and instead continues in the good faith that it has to complete the interim compromise for the long-term future of the IWC.”

#### BACKGROUND:

- The International Whaling Commission was created to give effect to the International Convention for the Regulation of Whaling (ICRW).
- The ICRW is to provide for “the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry”.
- The IWC meets on an annual basis. The IWC has been classed as dysfunctional and split between two opposing sides for many years – those member governments who oppose whaling in any form and those that seek the creation of a management regime for the conservation and protection of whale stocks for the whaling industry. (Inherent within in the term “conservation” is the principle of sustainable utilisation based on science.)

- Members of the IWC in 1994 agreed on a regime called the Revised Management Procedure which is a risk-averse method for setting very conservative sustainable quotas for abundant species of whales.
- The IWC then spent many years discussing aspects of a management regime called the Revised Management Scheme, which aimed to put in place necessary compliance and reporting procedures for commercial whaling. Fundamental differences over whaling brought discussions to an end.
- In 2007, the IWC embarked on a process known as the Future of the IWC, which aims to resolve the differences between members to normalise the functions of the Commission.
- The Commission appointed a “Small Working Group” of 33 IWC members to draw a list of issues that were considered needed resolving within the short-term and the long-term.
- The SWG created a “Support Group”, led by former New Zealand Prime Minister, Sir Geoffrey Palmer, to help develop an interim agreement. This agreement is a compromise among the parties to buy the IWC time to resolve fundamental differences over whaling.
- The interim compromise agreement was released to the public on 22 April 2010.
- While initially supportive of the agreement, the New Zealand Government has said it cannot support it in its current form.

ENDS

For more information, contact Ngahiwi Tomoana, Chairman of Te Ohu Kaimoana, Maori Fisheries Trust, on 027 548 3152